

# APPENDIX A

## SUMMARY OF MAJOR REGULATIONS FROM THE CFR

The following contains brief summaries of the major environmental regulations from the *Code of Federal Regulations* (CFR) that are applicable to food processors. Table A-1 shows the regulations and the CFR citations that are presented in Appendices A.1-A.6. These summaries can assist you in identifying specific regulatory requirements. Appendix A.7 lists pending and proposed regulations. You should note that these materials are intended solely as guidance. Because applicable regulations are specific to each individual facility, you should use the *Federal Register* or the CFR to determine your facility's requirements.

**Table A-1. Regulations and CFR Citations Presented in Appendix A**

Appendix	Statute	Regulation	
A.1	CWA	NPDES Permit Program	40 CFR 122
		Pretreatment Regulations	40 CFR 403
		Discharge of Oil	40 CFR 110
		Oil Pollution Prevention	40 CFR 112
		Designation of Hazardous Substances	40 CFR 116
		Determination of RQs for Hazardous Substances	40 CFR 117
A.2	SDWA	National Primary Drinking Water Regulation	40 CFR 141
		National Secondary Drinking Water Regulation	40 CFR 143
		Underground Injection Control Program	40 CFR 144
A.3	CAA	Subpart M National Emission Standards for Asbestos	40 CFR 61
		Chemical Accident Prevention Provisions	40 CFR 68
		Protection of Stratospheric Ozone	40 CFR 82
A.4	EPCRA	Emergency Planning and Notification	40 CFR 355
		Hazardous Chemical Reporting	40 CFR 370
		Toxic Chemical Release Reporting	40 CFR 372

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**Table A-1. Regulations and CFR Citations Presented in Appendix A**

<b>Appendix</b>	<b>Statute</b>	<b>Regulation</b>	
A.5	CERCLA	Designation, Reportable Quantities and Notification	40 CFR 302
A.6	RCRA	Generator Classifications and Requirements	40 CFR 261.5 & 262.34
		Hazardous Waste Generator Requirements	40 CFR 262
		Hazardous Waste Transporter Requirements	40 CFR 263
		Land Disposal Restrictions	40 CFR 268
		Underground Storage Tanks (USTs)	40 CFR 280
	FIFRA	Not summarized in this document.	
	TSCA	Not summarized in this document.	

# APPENDIX A. I

## SUMMARY OF PRINCIPAL REGULATIONS UNDER THE CLEAN WATER ACT

The following section provides a summary of the principal regulations developed pursuant to the CWA that are applicable to the food processing industry. The regulations included are:

- **40 CFR 122** - NPDES Permit Program
- **40 CFR 403** - Pretreatment Regulations
- **40 CFR 110** - Discharge of Oil
- **40 CFR 112** - Oil Pollution Prevention
- **40 CFR 116** - Designation of Hazardous Substances
- **40 CFR 117** - Determination of Reportable Quantities for Hazardous Substances

### 40 CFR 122

#### EPA Administered Permit Programs, The National Pollutant Discharge Elimination System

**Definition of a Point Source (40 CFR 122.2):** For the purposes of the CWA, **point source** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill, leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agriculture storm water runoff.

40 CFR 122 - DIRECT DISCHARGES	
Requirements	Compliance Dates
<p><b>Discharge Limitations:</b></p> <ul style="list-style-type: none"><li>• Effluent limitations contained in the NPDES permit.</li></ul> <p><b>Monitoring and Reporting Requirements:</b></p> <p>Note: All direct dischargers are required to obtain an NPDES permit. The NPDES permit outlines the discharger's specific monitoring and reporting requirements.</p>	<p>Compliance with specific permit limitations upon effective date of the permit.</p>

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<b>40 CFR 122 - DIRECT DISCHARGES</b>	
<b>Requirements</b>	<b>Compliance Dates</b>
<ul style="list-style-type: none"> <li>• <u>Permit Applications</u> - containing the information required under 122.21(f), (g), and (k) (application requirements for new sources and new discharges)</li> <li>• <u>Planned Changes</u> - notification to the Director as soon as possible of any planned physical alteration or addition that meets the criteria in 122.41(l)(1)</li> <li>• <u>Anticipated Noncompliance</u> - advance notification to the Director of any planned changes that may result in permit noncompliance</li> <li>• <u>Monitoring Reports</u> - monitoring results must be submitted as required by the NPDES permit (at least annually). All monitoring must be conducted using 40 CFR 136 methods.</li> <li>• <u>Compliance Schedules</u> - reports of compliance or noncompliance with compliance schedule requirements</li> <li>• <u>24-Hour Reporting</u> - of any noncompliance that may endanger health or the environment, including the information listed in 122.41(l)(6)</li> <li>• <u>Anticipated and Unanticipated Bypass</u> - notification as required under 122.41(m)</li> <li>• <u>Discharge of Toxic Pollutants</u> - notification to the Director of activity that results in the discharge of toxic pollutants not limited in the permit, if it exceeds the levels outlined in 122.42(a)(1)</li> <li>• <u>Storm Water Permit Applications</u> - submission of either individual permit application or general permit applications <ul style="list-style-type: none"> <li>- Individual permit applications must include the information in 122.26(c)(1)</li> </ul> </li> </ul>	<p>Permit applications are to be submitted 180 days prior to the commencement of discharge. Applications for permit renewal are required to be submitted 180 days before the existing permit expires.</p> <p>As soon as possible, when applicable</p> <p>In advance of changes, when needed</p> <p>At least annually or more frequently as required by permit</p> <p>Within 14 days of each compliance schedule date</p> <p>Within 24 hours</p> <p>At least 10 days prior to anticipated bypass. Within 24 hours of unanticipated bypass</p> <p>As soon as facility knows or has reason to believe that levels will be exceeded</p> <p>Individual permit applications for existing facilities were due October 1, 1992. New facilities must submit an application 180 days prior to commencement of industrial activity</p>

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40 CFR 122 - DIRECT DISCHARGES	
Requirements	Compliance Dates
<ul style="list-style-type: none"><li>- Facilities to be covered under a baseline general permit must file a Notice of Intent (NOI)</li></ul>	NOIs from existing facilities were due prior to October 1, 1992. NOIs were due prior to September 9, 1997 in order to be covered under the administratively-extended baseline general permit.
<ul style="list-style-type: none"><li>- Facilities to be covered under a multi-sector general permit must file a NOI.</li></ul> <ul style="list-style-type: none"><li>• <u>Other Storm Water Reports</u> - submission of other reports as required under a facility's storm water discharge permit. These reports may include pollution prevention plans and monitoring reports.</li></ul> <p><b>Recordkeeping Requirements:</b></p> <ul style="list-style-type: none"><li>• Records of monitoring information as required under 122.41(j) must be kept for at least three years.</li></ul>	Deadlines for NOIs differed for facilities in operation prior to September 29, 1995, and those who commenced operations after September 29, 1995.  Due dates as required by permits

## 40 CFR 403

### General Pretreatment Regulations for Existing and New Sources of Pollution

40 CFR 403 - INDIRECT DISCHARGES	
Requirements	Compliance Dates
<p><b>Discharge limitations:</b></p> <ul style="list-style-type: none"><li>• Prohibited discharge standards (general and specific) in 40 CFR 403.5</li><li>• Applicable local limits</li></ul>	
<p><b>Monitoring and Reporting Requirements:</b></p> <p>Note: Reports must be submitted whether or not the facility has been issued a permit.</p>	

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<b>40 CFR 403 - INDIRECT DISCHARGES</b>	
<ul style="list-style-type: none"> <li>• <u>Baseline Monitoring Reports (BMR)</u> - containing the information required under 40 CFR 403.12(b).</li> <li>• <u>Compliance Schedule Progress Reports</u> - containing the information required under 40 CFR 403.12(c)(3)</li> </ul>	<p>BMRs from existing sources are due within 180 days after the effective date of a categorical pretreatment standard. BMRs from new sources are due 90 days prior to commencement of discharge.</p> <p>Due within 14 days of completing compliance schedule milestone or due date</p>
<ul style="list-style-type: none"> <li>• <u>90-Day Compliance Report</u> - containing the information required under 40 CFR 403.12(d)</li> <li>• <u>Periodic Reports on Continued Compliance</u> - containing the information in 40 CFR 403.12(e) (including monitoring data for all categorically regulated pollutants). All monitoring must be conducted using 40 CFR 136 methods.</li> <li>• <u>Notice of Potential Problems Including Slug Loadings</u></li> <li>• <u>Notice of Changed Discharge</u> - advanced notification of any substantial change in the volume or character of pollutants in the discharge (including hazardous wastes)</li> <li>• <u>Notice of Violations and Resampling</u> - notification of violation and results of sampling</li> <li>• <u>Notification of Hazardous Waste Discharge</u> - notification to the POTW, EPA, and the state of the hazardous wastes discharged to the POTW</li> </ul>	<p>Due within 90 days following date for final compliance or for new sources, following the commencement of introduction of wastewater to the POTW</p> <p>Must be submitted at least semiannually</p> <p>Immediately to the Control Authority upon identification of discharges that could cause problems to the POTW</p> <p>Prompt notification in advance of any substantial change</p> <p>Notice within 24 hours, results of resampling within 30 days</p> <p>One time notification, unless changes to discharge</p>
<p><b>Recordkeeping Requirements:</b></p> <ul style="list-style-type: none"> <li>• Monitoring records including the information listed in 403.12(o) must be maintained for at least 3 years</li> </ul>	

## 40 CFR 110

### Discharge of Oil

#### Applicability:

Prohibited discharges include certain discharges to U.S. navigable water, adjoining shorelines, or to waters of the contiguous zone, occurring in connection with activities under the Outer Continental Shelf Lands Act of the Deepwater Port Act, or those that may affect U.S. natural resources.

May be applicable to food processing facilities using oil and that are either located by a municipal storm sewer that discharges to waters or near streams or bodies of water.

40 CFR 110	
Requirements	
<ul style="list-style-type: none"><li>• Discharge of oil is prohibited that:<ul style="list-style-type: none"><li>- Violates applicable water quality standards, or</li><li>- Causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines</li></ul></li><li>• Notification must be provided immediately to the National Response Center at 1-800-424-8802 or 202-426-2675 in the Washington, DC metropolitan area of any discharge of oil in violation of the Section 311(b)(3).</li></ul>	Immediately

## 40 CFR 112

### Oil Pollution Prevention

#### Applicability:

Non-transportation related onshore and off-shore facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, or consuming oil and oil products that could reasonably discharge oil in harmful quantities, as defined in 40 CFR 110.

Note: 40 CFR 112 does not apply to facilities, equipment, or operations which are not subject to EPA jurisdiction.

40 CFR 112	
Requirements	Compliance Dates
Prepare and implement Spill Prevention Control and Countermeasure plans meeting the requirements of 40 CFR 112.3 - 112.7	Existing sources: Plans in effect New sources: Prepare plan within 6 months of beginning operation and fully implement in no later than 1 year
<ul style="list-style-type: none"><li>• Submit report as described in 40 CFR 112.4 when discharged oil &gt; 1,000 gallons in single spill event or discharged oil in harmful quantities in two spill events</li></ul>	Within 60 days of becoming subject to reporting requirements
<ul style="list-style-type: none"><li>• Review, evaluate, and update plan as required under 40 CFR 112.5</li></ul>	Review plan once every 3 years, amend plan within 6 months, if needed
<ul style="list-style-type: none"><li>• Submit facility response plan as described in 40 CFR 112.20 and develop and implement facility response training and drill exercise as described in 40 CFR 112.21</li></ul>	Existing sources: as described in 40 CFR 112.20 New source: Prior to start of operations

Additional requirements not addressed here include facility response plans, preparedness drills and exercises, and training.



## 40 CFR 116 and 117 Designation of Hazardous Substance and 40 CFR 117 Determination of Reportable Quantities for Hazardous Substances

### Applicability:

40 CFR 117 does not apply to facilities that discharge the substance under an NPDES permit or to a POTW, as long as any applicable effluent limit or pretreatment standard is met.

### Requirements:

40 CFR 116.4 designates hazardous substances and 40 CFR 117.3 establishes the Reportable Quantity (RQ) for each substance listed in 40 CFR 116. When an amount equal to or in excess of the RQ is discharged, the facility must provide notice to the Federal government following DOT requirements in 33 CFR 153.203.

## APPENDIX A.2

# SUMMARY OF PRINCIPAL REGULATIONS UNDER THE SAFE DRINKING WATER ACT

The following section provides a summary of the principal regulations developed pursuant to the SDWA that may apply to the food processing industry:

- **40 CFR 141** - National Primary Drinking Water Regulations
- **40 CFR 143** - National Secondary Drinking Water Regulations
- **40 CFR 144** - Underground Injection Control Program.

## 40 CFR 141

### National Primary Drinking Water Regulations

#### Applicable Subparts:

Public water systems (PWSs) applicable to food processing facilities includes:

- Community water system - A PWS which serves at least 15 service connections used by year round residents or regularly serves at least 25 year-round residents.
- Non-transient non-community water system - A PWS that is not a community water system and that regularly serves at least 25 of the same persons for over 6 months of the year.

40 CFR 141	
Requirements	
Maximum Containment Levels - Subparts B, G	All Regulations in effect
Maximum Containment Level Goals - Subpart F	
Monitoring and Analytical Requirements - Subparts C, H, I	
Reporting, Public Notification and Recordkeeping - Subparts D, H, I	
Surface Water Treatment Rule - Subpart H	Under development

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### **Recordkeeping Requirements (40 CFR 141.33, 144.75, 141.80 and 141.91)**

<b>Records Pertaining to</b>	
Bacteriological analyses	At least 5 years
Chemical analyses	At least 10 years
Actions taken to correct violations	At least 3 years after last action taken
Sanitary survey reports	At least 10 years
Variances or exemptions	At least 5 years following expiration
Lead and copper control	At least 12 years

### **Lab Reports Summary Requirements (40 CFR 141.33, 141.74 and 141.80)**

<b>Sampling Information</b>	
Date, place, and time of sampling	Date of analysis
Name of sample collector	Laboratory conducting analysis
Identification of sample: <ul style="list-style-type: none"><li>• Routine or check sample</li><li>• Raw or treated water</li></ul>	Name of person responsible for analysis Analytical method used Analysis results

### **Reporting Requirements for Check Sampling**

<b>Contaminant</b>	
Microbiological	Must report to state within 48 hours when any check sample confirms the presence of coliform bacteria.
Nitrate	Must report to state within 24 hours if check sampling confirms MCL has been exceeded
All others	Must be reported to the state within 10 days after the end of the month in which the sample was received.

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## MCL Violations

Contaminant	Violation
Inorganic chemicals (except nitrate) and organic chemicals (except THMs)	If average of results from initial sample plus 3 check samples exceeds MCL
Nitrate	If average of results from initial sample plus the check sample exceeds MCL
THMs	If average of results from present quarter plus those of 3 preceding quarters exceeds MCL*
Radionuclides (natural and man-made)	If average annual concentration exceeds MCL**
Microbiological (coliform testing): membrane filter and multiple-tube fermentation	If any of the MCLs are exceeded

\* Quarter means a 3-month period. For convenience, calendar quarters are used.

\*\* Based on individual analyses of 4 consecutive quarterly samples or a single analysis of an annual composite of 4 quarterly samples.

## Public Notification Requirements, 40 CFR 141.32

Violation or Condition	Required Timing			
	72 Hours	14 Days	45 Days	3 Months
Violation of an MCL, acute	3, 4, 5	2, 4, 5	1, 4, 5	1, 4, 5
Violation of an MCL, non-acute		2, 4, 5	1, 4, 5	1, 4, 5
Failure to monitor; failure to follow compliance schedule; or failure to use approved testing procedure				2, 4, 5
System granted a variance or exemption				1, 4, 5

1 - Direct mail  
4 - Hand delivery

2 - Local newspaper  
5 - Continuous posting in conspicuous places

3 - By local radio and/or TV

## 40 CFR 143

### National Secondary Drinking Water Regulations

#### Applicable Subparts:

These regulations are not Federally enforceable but are intended as guidelines for States.

40 CFR 143	
Component	Regulatory Recommendation
Standards	Secondary MCLs exist for 15 contaminants
Monitoring	Conducted at least as frequently as the monitoring performed for inorganic chemicals listed in the National Interim Primary Drinking Water Regulations and more frequently for parameters such as pH, color, and odor
Analytical Methods	pH, copper, and fluoride should be analyzed consistent with methods described in 40 CFR 141. Other contaminants should be analyzed using the procedures specified in 40 CFR 143.4(b).
Notification	Community water systems that exceed the secondary MCL for fluoride, but do not exceed the primary MCL, should notify (using the public notice provided in 40 CFR 143.5(b)) all billing units annually, all new billing units at the time service begins, and the state public health officer.

## 40 CFR 144

### Underground Injection Control Program

#### Applicable Subparts:

Well classifications applicable to food processing facilities:

- Class I - Wells used to inject hazardous or nonhazardous wastes beneath the lowermost formation containing, within one-quarter mile of the well-bore, an underground source of drinking water.
- Class V - Injection wells not included in other classes.

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<b>40 CFR 144</b>	
<b>Requirements</b>	
<p>Any underground injection is prohibited unless authorized by permit or rule. Construction of any well required to have a permit is prohibited until the permit has been issued.</p> <p>Authorization by Rule Requirements:</p> <p>Reporting Requirements:</p> <ul style="list-style-type: none"> <li>• Inventory information as specified in 40 CFR 144.26</li> <li>• 24-hour notification of noncompliance that may endanger health or the environment (Class I wells) as required in 40 CFR 144.28(b)</li> <li>• Plugging and abandonment plan (Class I wells) as required in 40 CFR 144.28(c).</li> <li>• Reports containing the information required in 40 CFR 144.28(h)(l) (Class I wells)</li> <li>• Notice of abandonment as required in 40 CFR 144.28(j)</li> <li>• Plugging and abandonment report as required in 40 CFR 144.28(k)</li> </ul>	<p>One year after the date of approval or effective date of the UIC program for the State.</p> <p>Orally within 24 hours and written five days</p> <p>One year after the effective date of the UIC program in the State (EPA administered programs)</p> <p>Quarterly</p> <p>As specified by the Director</p> <p>Existing wells: No later than 4 years from approval or promulgation of UIC program.</p> <p>New wells: Reasonable time before construction is expected to begin</p>
<p>Authorization by Permit</p> <p>Monitoring requirements:</p> <ul style="list-style-type: none"> <li>• All owners and operators (even those authorized by rule, unless authorized for life of the well) are required to submit a permit application containing the information in 40 CFR 144.31.</li> </ul>	

## APPENDIX A.3

# SUMMARY OF PRINCIPAL REGULATIONS UNDER THE CLEAN AIR ACT

The following sections provide summaries of some of the principal regulations developed pursuant to the CAA that may apply to the food processing industry. The section includes:

- **40 CFR 61** - Subpart M National Emission Standards for Asbestos
- **40 CFR 68** - Risk Management Planning
- **40 CFR 82** - Protection of Stratospheric Ozone

Additional requirements exist for boilers, NSPS, and NESHAP; see the regulations for more information.

### 40 CFR 61 - Subpart M

#### National Emission Standard for Asbestos

Standard for Demolition and Renovation 61.145

Standard for Spraying 61.146

Standard for Insulating Materials 61.148

Standard for Waste Disposal for Manufacturing,  
Fabricating, Demolition, Renovation, and Spraying  
Operations 61.150

#### Applicability:

- C 40 CFR 61.145 is applicable to owners or operators of a demolition or renovation activity
- C 40 CFR 61.146 is applicable to owners or operators of an operation in which asbestos-containing materials are spray applied.

### **Affected Processes:**

- C For demolition, requirements in 40 CFR 61.145(b) and (c) apply if the combined amount of Regulated Asbestos-Containing Material (RACM) meets criteria listed in 40 CFR 61.145(a)(1)(i) or (ii).
- C For renovation, requirements in 40 CFR 61.145(b)(and (c)) apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or disturbed meets the criteria in 61.145(4)(i) or (ii).
- C All RACM must be removed from a facility being demolished or renovated before any activity begins that would break up, dislodge, or disturb the material or preclude access to the material for removal.
- C When a facility component that contains, is covered with, or is coated with RACM is being taken out of the facility as a unit or in sections, the procedures in 40 CFR 61.145(c)(2) must be followed; and when RACM is stripped from a facility component while it remains in place at the facility, procedures in 40 CFR 61.145(c)(3) must be met.
- C After a facility component covered with, coated, with, or containing RACM is taken out of the facility, it must be handled according to the procedures in 40 CFR 61.145(c)(4). Large components such as reactor vessels, large tanks, and steam generators must be handled according to procedures in 40 CFR 61.145(c)(5).
- C All RACM must be handled according to procedures in 40 CFR 61.145(c)(6).
- C No RACM can be stripped, removed, or otherwise handled or disturbed at a facility unless at least one onsite representative is trained in compliance with the regulations.
- C Under 40 CFR 61.146, material that contains more than 1% asbestos cannot be used for spray application on buildings, structures, pipes, and conduits.
- C Under 40 CFR 61.148, no owner or operator may install or reinstall on a facility component any insulating materials that contain commercial asbestos if the materials are either molded and friable or wet-applied and friable after drying; and this does not apply to spray-applied insulating materials regulated under 40 CFR 61.146.
- C Under 40 CFR 61.150, each owner or operator of any source covered under 40 CFR 61.145 or 61.146 must:
  - Discharge no visible emissions to the outside air during the collection, processing, packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in 40 CFR 61.150(a)((1) through (4).
  - Dispose of all asbestos-containing waste material as soon as practical at sites as listed in 40 CFR 61.150(b).



- Mark vehicles used to transport asbestos-containing waste material as in 40 CFR 61.150(c).

### **Exemptions:**

- c If the facility is being demolished under State or local government order because the facility is structurally unsound or in danger of imminent collapse, only 40 CFR 61.145(b)(1), (b)(2), b(3)(iii), (b)(4) (except (b)(4)(viii)), (b)(5), and (c)(4) through (c)(9) of this section apply.
- c RACM does not need to be removed before demolition if it meets the criteria in 40 CFR 61.145(c)(1)(i), (ii), (iii), or (iv).
- c Spray-on application of materials is not subject to 40 CFR 61.146 when the asbestos fibers in the materials are encapsulated with a bituminous or resinous binder during spraying and the materials are not friable after drying.
- c Owners and operators of sources subject to 40 CFR 61.146 are exempt from the requirements of 40 CFR 61.05(a), 61.07, and 61.09.
- c Requirements in 40 CFR 61.150(a) do not apply to demolition and renovation for Category I nonfriable ACM waste and Category II nonfriable ACM waste that did not become crumbled, pulverized, or reduced to powder.

### **Reporting and Recordkeeping Requirements**

- c Owner or operator of demolition or renovation activity must submit and update written notice containing the information in 40 CFR 61.145(b)(4)(i) through (xvii).
- c Spray-on application of materials that contain more than 1% asbestos on equipment and machinery are subject to the notification and procedural requirements in 40 CFR 61.146(b)(1) and (2).
- c Waste shipment records must be maintained for all asbestos-containing waste as described in 40 CFR 61.150(d).

## 40 CFR 68

### Risk Management Planning

#### Applicability:

Owners or operators of stationary sources that have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115.

#### Date of Applicability:

The latest of the following dates:

- June 21, 1999
- Three years after the date on which a regulated substance is first listed
- The date on which a regulated substance is first present above a threshold quantity.

#### Applicable Program:

A covered process is eligible under one of the three following programs. If at any time a covered process no longer meets the eligibility criteria of its Program level, the owner or operator shall comply with the requirements of the new Program level that applies and update the RMP.

**Program 1** - For five years prior to submission of the RMP, the process has not had an accidental release of a regulated substance that led to death, injury, or response or restoration activities for exposure of an environmental receptor, and the distance to a toxic or flammable endpoint for a worst-case release assessment is less than the distance to any public receptor, and emergency response procedures have been coordinated between the stationary source and local emergency planning and response organizations.

**Program 2** - A covered process not subject to Program 1 or Program 3

**Program 3** - A covered process, not subject to Program 1 and either; the process is in SIC code 2611, 2812, 2819, 2821, 2865, 2869, 2873, 2879, or 2911, or, the process is subject to the OSHA process safety management standard 29 CFR 1910.119.

#### General Requirements:

- Implement a Risk Management Program that includes a hazard assessment, release prevention program, and emergency response program.
- Submit a Risk Management Plan with a registration that includes all covered processes.

### **Risk Management Plan Requirements:**

- An executive summary describing elements of the RMP
- A single registration form covering all regulated substances
- Worst-case release scenario information
- Five-year accident history information
- Alternative release scenarios information (for Program 2 and 3 processes)
- Emergency response program information
- Certification statement
- Regular review and updates to the RMP
- Additional information for Programs 2 and 3.

### **Other Requirements:**

- Maintain records for five years
- Information available to the public
- Additional permit requirements for facilities permitted pursuant to 40 CFR 70 or 71
- Provide access to implementing agency for RMP audits.

### **Additional Program 1 Requirements:**

- Analyze worst-case release scenarios, document public receptor is beyond endpoint, and submit
- Complete five year accident history for the process and submit
- Ensure that response actions coordinated with local agencies
- Certify as specified in 40 CFR 68.12(b)(4).

### **Additional Program 2 Requirements:**

- Develop and implement a management system, assigning a qualified person with the overall responsibility for the program
- Conduct a hazard assessment
- Implement a Program 2 Prevention Program
- Develop and implement an emergency response program
- Submit the data on prevention program elements for Program 2 processes.

### **Additional Program 3 Requirements:**

- Develop and implement a management system, assigning a qualified person with the overall responsibility for the program
- Conduct a hazard assessment
- Implement a Program 3 Prevention Program
- Develop and implement an emergency response program
- Submit the data on prevention program elements for Program 3 processes.

**40 CFR 82**  
**Protection of Stratospheric Ozone**  
Subpart A: Production and Consumption Controls  
Subpart E: The Labeling of Products Using  
Ozone-Depleting Substances  
Subpart F: Recycling and Emissions Reduction

**Applicability:**

Any individual, corporate or government entity that produces, transforms, imports, or exports these controlled substances.

Note: The list below is not all inclusive of Title VI requirements affecting food processors.

<b>40 CFR 82</b>	
<b>Requirements</b>	<b>Effective Date</b>
<b><i>Subpart A: Production and Consumption Controls</i></b>	
Prohibition on the production and consumption of any Class I substance in annual quantities greater than the relevant percentage specified in the regulations (based on quantity of substance produced in the baseline year).	January 1 of each year specified in the regulations.
Prohibition on the production of all Class I substances.	1996 (except for methyl bromide - 2001)
Prohibition on the production of all Class II substances.	Begin in 2003 and end 2030
Reporting Requirements:  Reports on production, imports, and exports of Class I and II substances.	Quarterly
<b><i>Subpart E: The Labeling of Products Using Ozone-Depleting Substances</i></b>	
Containers in which Class I and II refrigerants are stored or transported are required to be labeled with a warning stating that it contains a substance which harms public health and environment by destroying ozone in the upper atmosphere.	
<b><i>Subpart F: Recycling and Emissions Reduction</i></b>	
Prohibition on knowingly venting ozone-depleting compounds used as refrigerants into the atmosphere during maintenance, service, repair, or disposal or air-conditioning or refrigeration equipment.	July 1, 1992

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<b>40 CFR 82</b>	
Technicians servicing air-conditioning and refrigeration equipment are required to evacuate refrigerant in the line according to prescribed guidelines.  Recovery and/or recycling equipment must be tested by an EPA-approved third-party testing organization.	July 13, 1993  All equipment sold after November 15, 1993. Some equipment manufactured prior to this date is grandfathered.
Require repair of substantial leaks in all air conditioning and refrigeration units with more than 50 pounds of refrigerant.	Within 30 days of recovery
All persons who maintain, service, repair, or dispose of appliances are required to be certified.  Persons servicing or disposing of air-conditioning and refrigeration equipment are required to certify that certified recovery and recycling equipment has been acquired and they are complying with the applicable requirements of 40 CFR 82, Subpart F.	November 14, 1994  August 12, 1993

## APPENDIX A.4

# SUMMARY OF PRINCIPAL REGULATIONS UNDER THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

The following sections provide a summary of the principal regulations developed pursuant to EPCRA that may apply to the food processing industry. The regulations included are:

- **40 CFR 355** - Emergency Planning and Notification
- **40 CFR 370** - Hazardous Chemical Reporting: Community Right-to-Know
- **40 CFR 372** - Toxic Chemical Release Reporting, Community Right-to-Know

## 40 CFR 355

### Emergency Planning and Notification

#### Emergency Planning, 40 CFR 355.30

Requirements	
<p>Facilities subject to emergency planning requirements must notify the local emergency planning committee and State emergency response commission. They must designate an emergency planning coordinator and provide information to the local emergency planning committee.</p> <ul style="list-style-type: none"><li>• 40 CFR 355.30(b) notification that the facility is subject to the planning requirements is due May 17, 1987 or within 60 days of becoming subject to the planning requirements</li><li>• 40 CFR 355.30(c) facility emergency coordinator designated due September 17, 1987 or 30 days after a local emergency planning committee is established</li><li>• 40 CFR 355.30(d) information for planning must be provided "promptly" upon request; notice of any relevant changes must also be provided.</li></ul>	<p>The facility has onsite an extremely hazardous substance equal to or greater than its threshold planning quantity. (The list of extremely hazardous substances and threshold planning quantities (TPQs) is in 40 CFR 355, Appendices A and B. Section 355.30(e) tells you how to calculate TPQs for solids and mixtures.)</p>

### **Emergency Release Notification, 40 CFR 355.40**

<b>Requirements</b>	<b>Regulatory Threshold</b>
<p>A facility must immediately notify the local community emergency coordinator (or emergency response personnel) of any area likely to be affected, and State emergency response commission of any State likely to be affected by a release. Notice must include chemical name or identity of any substance released, indication of whether it is an extremely hazardous substance, estimate of quantity released, estimate of time and duration of release, media into which release occurred, known or expected acute or chronic health risks including medical advice for exposed individuals, precautions to be taken, contact/phone numbers for further information. For transportation-related releases, this information can be provided to the 911 operator.</p> <p>A written follow up emergency notice must be provided to update the information about the release, and actions taken (not required for transportation-related releases).</p>	<p>The facility produces, uses, or stores a hazardous chemical and there is a release of a reportable quantity of any extremely hazardous substance or CERCLA hazardous substance. (Extremely hazardous substances and reportable quantities are in 40 CFR 355, Appendices A and B. CERCLA hazardous substances are in 40 CFR 302, Table 302.4.)</p>

## **40 CFR 370**

### **Hazardous Chemical Reporting: Community Right-to-Know**

#### **General Applicability:**

Any facility that is required to prepare or have available an MSDS for a hazardous chemical under OSHA (1970).

#### **Reporting Requirements, 40 CFR 370.20**

40 CFR 370 applies to any facility that has present at any time hazardous chemicals in an amount greater than or equal to 10,000 lbs or extremely hazardous substances in an amount greater than or equal to 500 pounds, or the Threshold Planning Quantity (TPQ), whichever is less. Such facilities must submit Tier I forms by March 1, 1991 and annually thereafter. If requested, they must also submit Tier II forms.

### **MSDS Reporting, 40 CFR 370.21**

Subject facilities must submit to the local emergency planning committee (LEPC), state emergency response commission (SERC) and the local fire department (1) MSDSs for the facility for hazardous chemicals as required in 40 CFR 370.20; or (2) similar information including a list of hazardous chemicals by hazard category, the chemical or common name and components.

### **Reporting Upon Request, 40 CFR 370.21(d)**

An MSDS must be provided within 30 days of receipt of the request by the LEPC.

### **Supplemental Reporting, 40 CFR 370.21(c)**

An MSDS must be provided within 3 months of : (1) discovering new information on a chemical, (2) being required to have an MSDS for a chemical, or (3) the chemical being present above threshold.

### **Inventory Reporting, 40 CFR 370.25**

The owner or operator must provide an inventory form to the emergency planning commission, the committee and the fire department with jurisdiction over the facility. It should contain Tier I information on hazardous chemicals present at the facility during the preceding calendar year above the threshold levels in 40 CFR 370.20(b). It must be submitted on or before March 1 each year. Tier II information may be submitted as an alternative per 40 CFR 370.25(b).

### **Submission of Tier II Information, 40 CFR 370.25(c)**

Upon request by the committee, the facility must submit Tier II information.

### **Fire Department Inspection, 40 CFR 370.25(d)**

The facility must allow the fire department to conduct inspections and must provide specific information on locations of chemicals upon request.

### **Mixtures, 40 CFR 370.28**

The facility must report on mixtures and quantify its mixtures using procedures in 40 CFR 370.28.



### **Public Access and Availability of Information (Subpart C), 40 CFR 370.30**

The committee must provide any person with MSDS or Tier II information for a specific facility, except that upon request by the facility owner or operator, the commission or committee can withhold information on the locations of chemicals identified on Tier II forms.

### **Tier I and Tier II Inventory Forms (Subpart D), 40 CFR 370.40**

Subpart D contains the Tier I and Tier II forms that are used to report information on hazardous and extremely hazardous chemicals at the facility. (Some states have their own forms.)

## **40 CFR 372 Toxic Chemical Release Reporting, Community Right-to-Know**

### **General Provisions - Subpart A Recordkeeping, 40 CFR 372.10**

<b>Applicability</b>	
<p>Facilities must retain copies of reports, supporting documentation, data to show how reportable quantities were determined, data to calculate the quantity of a release, documentation of offsite transfer or release of toxic chemicals, manifests or records for offsite transfer for a period of 3 years after each report is made. The reports must be available for inspection by EPA.</p> <p>Date of applicability: January 1, 1987</p> <p>Threshold in 40 CFR 372.25(a) applies to chemicals manufactured, imported or processed at a facility. Since the 1989, the threshold is 25,000 lb/yr. Note: thresholds apply to individual chemicals over threshold levels, or to the combined totals of more than one chemical if the combined amount exceeds a threshold. Details are presented in 40 CFR 372.25(b)-(h).</p>	<p>All facilities where releases have been reported or where chemicals are manufactured, imported or processed at or above TPQs.</p>

## Reporting Requirements, Subpart B

Requirements	Affected Facility
<p>This section of the regulations sets forth requirements for the submission of information relating to the release of toxic chemicals under Section 313 of EPCRA yearly on July 1.</p> <p>Date of applicability: January 16, 1988.</p>	<p>40 CFR 372.22 specifies types of facilities that are subject to the Form R reporting requirements:</p> <ul style="list-style-type: none"> <li>a) facilities with more than 10 full-time employees,</li> <li>b) facilities in SIC codes 20-39 (as of January 1, 1987). Criteria for the determination of SIC codes are further explained in 40 CFR 372.22(b), and</li> <li>c) facilities that process, manufacture, or use a toxic chemical in excess of the threshold quantity set forth for the chemical in 40 CFR 372.30.</li> </ul> <p>Exemptions to the reporting of releases of toxic chemicals are detailed in 40 CFR 372.28 (e.g., <i>de minimis</i> concentrations, toxic chemicals contained in articles, structural components, nonroutine janitorial uses, personal use by employees or for motor vehicles, chemicals in process water or noncontact cooling water, and laboratory activities). Owners of industrial parks or similar real estate owners are also exempt since the operators of the facilities would hold this responsibility.</p>

## Reporting Requirements and Schedule for Reporting, 40 CFR 372.30

Applicability	
<p>EPA Form 9350-1 is to be used to report chemicals above thresholds for manufactured, imported, processed, used or combined into a mixture or trade name product. Details on characterizing mixtures and trade name products are given in 40 CFR 372.30(b).</p> <p>40 CFR 372.30(d) Reports are due annually on July 1 beginning in 1987. Additional specific data requirements for the years 1987, 1988, and 1989 are provided in 40 CFR 372.30(e).</p> <p>Chemicals above threshold planning quantities.</p>	<p>A regulated facility may consist of more than one establishment (defined as economic unit) and separate forms may be used for each establishment as long as reporting is accomplished for the entire facility.</p>

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## Supplier Notification Requirement - Subpart C

Applicability	
Facilities must notify the person to whom toxic chemicals, mixtures or trade name products containing toxic chemicals are sold. The notification must be in writing and include specific information per 40 CFR 372.45(b) (product trade name, a statement that the product contains a SARA Title III constituent, the CASE number of the chemical, and the % by weight of the toxic chemical).	Owners and operators of facilities classified as SIC code 20-39 who manufacture, import or process toxic chemicals, and who sell or otherwise distribute a mixture or trade name product containing a toxic chemical to a facility who uses or sells the product or mixture. If an MSDS is required in accordance with 29 CFR 1919.1200, the notification must be attached or incorporated into the MSDS.
Notification must be with the first shipment of the product in each calendar year. If the product is renamed or changed, the notification must be initiated over again.	Exceptions include mixtures or trade name chemicals with <i>de minimis</i> amounts (see 40 CFR 372.45(d) for others). However, if the chemical is considered proprietary (trade secret) under 29 CFR 1910.1200, the notification can be written with only generic language.

## Specific Toxic Chemical Listings - Subpart D Chemicals and Chemical Categories to which 40 CFR 372.65 Applies

Applicability	
A table with alphabetical listing of categories and chemicals, including CAS numbers and effective date for each chemical is provided.  Date of applicability: January 1, 1987	All facilities must characterize their chemicals.

## Forms and Instructions - Subpart E Toxic Chemical Release Reporting Form and Instruction - 40 CFR 372.85

Applicability	
See Reporting Requirements - Subpart B.	See Reporting Requirements and Schedule for Reporting, 40 CFR 372.30.